

Appl. No. : 10/758,774
Filed : January 16, 2004

REMARKS

Amendments to the Claims and Specification

Claims 1, 41, 46-48 have been amended.

Claims 42, 45, 83, 85-107, 109-124 have been cancelled.

Applicants respectfully submit that the amendments add no new matter and are fully supported by the application as originally filed.

Rejections under 35 U.S.C. §112

3. The Examiner has rejected Claims 1, 4-23 and 26-40 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner maintains that there is not sufficient basis for the limitation “wherein said substrate does not comprise nodulated abrasive fiber remnants” found in Claim 1. Claims 1 has been amended to remove this limitation.

4. The Examiner has rejected Claims 83, 85-107 and 109-124 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 83, 85-107 and 109-124 have been cancelled.

Rejections under 35 U.S.C. §102

6. The Examiner has rejected Claims 41, 43-44, 49-50, 52, 53, 55-57, 60-61, 74-79, 83, 85-86, 91-92, 94-95, 97-99, 102-103 and 116-121 under 35 U.S.C. §102(b) as being anticipated by Annis et al. (WO 97/21865). Claims 83, 85-86, 91-92, 94-95, 97-99, 102-103 and 116-121 have been cancelled. Claim 41 has been amended to incorporate the limitation on Claim 45. Claims 43-44, 49-50, 52, 53, 55-57, 60-61, 74-79 are dependent upon Claim 41. Accordingly, the objection to Claims 41, 43-44, 49-50, 52, 53, 55-57, 60-61, 74-79 is overcome and it is respectfully urged that it be withdrawn.

Rejections under 35 U.S.C. §103(a)

8. The Examiner has rejected Claims 1-6, 7-19, 32-37, 41-48, 49-61, 74-79, 83-103 and 114-121 under 35 U.S.C. §103(a) as unpatentable over Hayase et al. (US 2002/0106478) in view of Trapasso et al. (US 4,172,173). Claims 83-103 and 114-121 have been cancelled.

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The Examiner maintains that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the type of binder used by Hayase and provide with the latex binder of Trapasso et al. instead with the motivation of providing the nonwoven with a binder which would produce non-woven fabric with a better “hand” as disclosed by Trapasso et al. (Col. 2, lines 33-39).

"There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) (The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a prima facie case of obvious was held improper.). The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999). MPEP 2143.01(I)

For the problem to be solved and teaching of Trapasso et al., Trapasso states that “Since, for example, the end uses to which the non-woven fabrics are put play a major role in determining what polymeric binder is used, it can readily be appreciated that the properties of the polymeric binder are critical” (Col. 2, lines 11-15).

Trapasso further states that “An advantage these lattices have is that non-woven fabrics prepared therefrom are generally **soft**, i.e., they have good “hand”. (Col. 2, lines 29-32, emphasis added). Trapasso further states that “It is the object of the present invention to prepare effective, less expensive binder latex compositions which produce **softer** non-woven fabrics.” (Col. 2, lines 33-35, emphasis added). Trapasso emphasizes that the properties of the binders of Trapasso are critical and that they produce soft nonwoven fabrics.

For the problem to be solved and teaching of Hayase et al., Hayase states that “An object of the present invention is to provide a cleaning sheet which does not contain abrasive particles and yet exhibits sufficient scouring or scraping properties against soils.” [0006] Hayase further states that “The cleaning sheet 1 is formed by accumulating the thick thermoplastic fibers 2 and the cellulosic fibers 3 into a web by an air-lay method and bonding the fibers constituting the air-laid web at their intersections. Bonding the fibers is suitably achieved by fusion or with a **binder**.

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The above-specified fineness of the thick thermoplastic fibers 2 secures their stiffness to develop scouring or scraping properties.” ([0037], emphasis added).

There is no motivation in the problem to be solved or the teachings to combine the binder latex of Trapasso, which produces softer non-woven fabrics, with the web of Hayase, which is used to create a stiff web with scouring and scraping properties.

Accordingly, the objection to Claims 1-6, 7-19, 32-37, 41-48, 49-61, 74-79 is overcome and it is respectfully urged that it be withdrawn.

Rejections under 35 U.S.C. §103(a)

9. The Examiner has rejected Claims 20-23, 26-31, 62-67, 69-73, 104-107, and 109-115 under 35 U.S.C. §103(a) as being unpatentable over Hayase et al. (US 2002/0106478) in view of Trapasso et al. (US 4,172,173), and further evidenced by Adams et al. (US 5,811,178). Claims 104-107 and 109-115 have been cancelled.

Claims 20-23, 26-31, 62-67, 69-73 are dependent on Claims 1 and 41. Objections to these Claims based on Hayase and Trapasso have been overcome, as stated above.

10. The Examiner has rejected Claims 38-40, 80-82, and 122-124 under 35 U.S.C. §103(a) as being unpatentable over Hayase et al. (US 2002/0106478) and Trapasso et al. (US 4,172,173), in further view of Kilkenny et al. (US 2003/0100465). Claims 122-124 have been cancelled.

Claims 38-40 and 80-82 are dependent on Claims 1 and 41. Objections to these Claims based on Hayase and Trapasso have been overcome, as stated above. Accordingly, the objection to Claims 38-40 and 80-82 is overcome and it is respectfully urged that it be withdrawn.

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CONCLUSIONS

In view of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance. If, however, some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

Please charge any additional fees, including fees for additional extensions of time, or credit overpayment to Deposit Account No. 03 2270.

Respectfully submitted,
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